

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Andre Smiley,

Plaintiff,

v.

Case No. 1:14cv087

Judge Nadean,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on February 10, 2014 (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation (Doc. 4) in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (doc. 4) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 4) of the Magistrate Judge is hereby **ADOPTED**. This action is **DISMISSED with PREJUDICE** as frivolous consistent with the recommendation by the Magistrate Judge.

Pursuant to 28 U.S.C. § 1915(a), any request for certificate of appealability or request to appeal *in forma pauperis* would not be taken in good faith and would be denied.

**IT IS SO ORDERED.**

/s/ Michael R. Barrett

Michael R. Barrett  
United States District Judge